

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Diehl on December 19, 2008.

The application has been amended as follows:

Claim 1 has been changed to the following:

- 1. A holder for securing a flexible bag,
the holder comprises:

a container having an exterior wall defining a bag-receiving area extending towards an interior of the container and having an upper rim at an upper end of a rear section of the exterior wall and over which the flexible bag is securable, the rear section having a rigid portion extending from a floor of the container to an upper region of the container in one piece,

a bag-retaining surface integral to and projecting from the rear section in a rearward direction opposite the bag-receiving area towards an exterior of the container, a recess confined to the bag-retaining surface and positioned outside the bag-receiving area, and

a locking member having a bag-retaining notch therein and carried on the bag-retaining surface for pivoting movement between a release position and a locking

position, wherein the notch is entirely within the recess, and below the bag-retaining surface, when in the locking position and the locking member does not contact the upper rim. --

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Stephen J. Castellano/ whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J. Castellano/
Primary Examiner
Art Unit 3781